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SUZAN ARDEN
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August 27, 2019

VIA ECF AND ELECTRONIC MAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, New York 10004-1408
Bernstein.chambers@nusb.uscourts.gov

Re: *In re Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-1789
Picard v. Carol Nelson & Stanley Nelson, Adv. Pro. No. 10-04377
Picard v. Carol Nelson, Adv. Pro. No. 10-04658
Request to Adjourn Briefing Schedule for Post-Trial Submissions

Dear Judge Bernstein:

This firm represents Carol and Stanley Nelson (the "Nelsons") in the above-referenced matter. As this Court is aware, the Nelsons' Post-Trial Proposed Findings of Fact and Conclusions of Law and opposition to the Trustee's Supplemental Memorandum is presently scheduled for August 30, 2019. However, Ms. Chaitman underwent eye surgery on Monday, August 26, 2019 and, as such, will be unable to work on the filing materials in the days immediately preceding the present due date. We therefore request a brief adjournment of the due date, through and until September 6, 2019. *5 — Granted SMB 8/27/19*

The Trustee has not consented to this adjournment, but instead has taken the position that he will not oppose our request if we also make a request on his behalf for an extensive adjournment of his time to respond to our motion to dismiss. See attached email correspondence at Exhibit A. To the extent that the Court simultaneously wishes to address the Trustee's request to adjourn the motion to dismiss, we do not oppose an extension generally but would ask that, if the Trustee's date to respond to the motion to dismiss is adjourned until October 23, 2019, that the Nelsons' time to reply be extended in a like fashion, until November 11, 2019.

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We request that the due date for the Nelsons' Post-Trial Proposed Findings of Fact and Conclusions of Law and opposition to the Trustee's Supplemental Memorandum, presently scheduled for August 30, 2019, be adjourned through and until September 6, 2019.

Respectfully submitted,

/s/ Suzan Arden

Suzan Arden

SA/aws

cc: *Via email and ECF*
David J. Sheehan, Esq. (dsheehan@bakerlaw.com)
Nicholas J. Cremona, Esq. (ncremona@bakerlaw.com)

EXHIBIT A

From: Cremona, Nicholas J. <ncremona@bakerlaw.com>
Sent: Monday, August 26, 2019 5:36 PM
To: Suzan Arden
Cc: Amy Sanchez; Sheehan, David J.; Helen Chaitman; Greg Dexter; Jennifer Allim; Sarah Howell; Beatrice Gonzalez
Subject: RE: Madoff:Nelsons Adv. Pro. Nos.10-04377 (SMB) and 10-04658 (SMB)

Suzan,

The Trustee's stands by the position stated in my original email and will respond to Defendants' request accordingly once filed with the court.

Nicholas J. Cremona
Partner

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-----Original Message-----

From: Suzan Arden <sarden@chaitmanllp.com>
Sent: Monday, August 26, 2019 1:35 PM
To: Cremona, Nicholas J. <ncremona@bakerlaw.com>
Cc: Amy Sanchez <asanchez@chaitmanllp.com>; Sheehan, David J. <dsheehan@bakerlaw.com>; Helen Chaitman <hchaitman@chaitmanllp.com>; Greg Dexter <gdexter@chaitmanllp.com>; Jennifer Allim <jallim@chaitmanllp.com>; Sarah Howell <showell@chaitmanllp.com>; Beatrice Gonzalez <bgonzalez@chaitmanllp.com>
Subject: RE: Madoff:Nelsons Adv. Pro. Nos.10-04377 (SMB) and 10-04658 (SMB)

Nicholas:

Unfortunately, I am not in a position to make a request to adjourn the motion to dismiss on the Trustee's behalf. Helen's having eye surgery today and is unavailable and I cannot say whether the October 30 date will work. I suspect not, since in another matter the court in DNJ has already proposed that date for oral argument.

As such, I will approach the Court on our request to adjourn the post-trial briefing without reference to an adjournment of the motion to dismiss. Since Judge Bernstein's Chambers Rules also provide that: "Adjournments, other than those requested at the hearing, will be granted only if agreed to by all parties seeking or opposing the relief in question or, after consent is sought and denied, as granted by the Court after a request to chambers, copied to the other side, and stating the basis for the request" please advise whether or not you are able to consent to the adjournment on the post-trial briefing before close of business today.

Suzan Arden
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From: Cremona, Nicholas J. [ncremona@bakerlaw.com]
Sent: Monday, August 26, 2019 12:54 PM
To: Suzan Arden
Cc: Amy Sanchez; Sheehan, David J.; Helen Chaitman; Greg Dexter; Jennifer Allim; Sarah Howell; Beatrice Gonzalez
Subject: RE: Madoff:Nelsons Adv. Pro. Nos.10-04377 (SMB) and 10-04658 (SMB)

Suzan,

The Trustee is unable to consent to the requested adjournment of the briefing deadline in this matter that Judge Bernstein previously ordered. Judge Bernstein's Chambers Rules specifically provide that "Parties may not grant extensions of time on briefing without prior consent from Chambers." The Trustee will not, however, oppose the Defendants' application to the Court to extend the upcoming deadline provided that any such request: (1) seeks to adjourn Defendants' Motion to Dismiss for Lack of Subject-Matter Jurisdiction until October 30, 2019 and (2) provides an extension of the Trustee's time to respond to that motion until October 23, 2019.

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Partner

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-----Original Message-----

From: Suzan Arden <sarden@chaitmanllp.com>
Sent: Monday, August 26, 2019 9:07 AM
To: Cremona, Nicholas J. <ncremona@bakerlaw.com>
Cc: Amy Sanchez <asanchez@chaitmanllp.com>; Sheehan, David J. <dsheehan@bakerlaw.com>; Jacobs, Edward J. <ejacobs@bakerlaw.com>; Fein, Amanda E. <afein@bakerlaw.com>; Helen Chaitman <hchaitman@chaitmanllp.com>; Greg Dexter <gdexter@chaitmanllp.com>; Jennifer Allim <jallim@chaitmanllp.com>; Sarah Howell <showell@chaitmanllp.com>; Beatrice Gonzalez <bgonzalez@chaitmanllp.com>
Subject: Madoff:Nelsons Adv. Pro. Nos.10-04377 (SMB) and 10-04658 (SMB)

Counsel:

Helen is undergoing eye surgery today and will therefore not be able to work on the Nelsons' post-trial proposed findings of fact and conclusions of law and associated papers for a few days thereafter. Accordingly, we are writing to request a one week adjournment of the date on which they are due, from August 30, 2019 through and until September 6, 2019.

Please let us know your position today so that we can advise the court accordingly.

Thanks.

Suzan Arden
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